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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/066,274	01/31/2002	Itzhak Bergel	884.645US1	4423
7590 05/10/2005			EXAMINER	
Schwegman, Lundberg, Woessner & Kluth, P.A.			CHANG, EDITH M	
P.O. Box 2938			ART UNIT	
Minneapolis, MN 55402			PAPER NUMBER	
			2637	

DATE MAILED: 05/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/066,274

Applicant(s)

BERGEL, ITZHAK

Examiner

Edith M. Chang

Art Unit

2637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 31 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-29 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 14 and 16-23 is/are allowed.
- 6) ☒ Claim(s) 1-13 and 15 is/are rejected.
- 7) ☒ Claim(s) 24-29 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 20030827.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Objections*

1. Claims 1-13 and 24-29 are objected to because of the following informalities:

Claim 1, line 3: “a weight-set” is suggested changing to “the weight-set”.

Claim 5, line 2: “nodes” is suggested changing to “nodes of the trellis”.

Claim 12, line 1: “each weight of a weight-set” is suggested changing to “the weight-set comprises weights, and each weight of the weight-set” to add the antecedent basis for each weight.

Claim 24, lines 4 & 7-8: “weight set” is suggested changing to “weight-set”; lines 9-10: “selected weight-sets” is suggested changing to “selected weight-set”.

Claim 25, line 3: “measurements” is suggested changing to “the measured characteristics”, “time-slot” is suggested changing to “time-slots”.

Claim 26, line 2: “a channel” is suggested changing to “CDMA channel”; line 6: “the receiver” is suggested changing to “the CDMA receiver”.

Claim 27, line 1: “the receiver” is suggested changing to “the CDMA receiver”.

Claim 28, line 1: “each weight-set metric” is suggested changing to “each of the metrics for weight-sets”; line 3: “metrics for weight-set” is suggested changing to “the metrics for weight-sets”.

Claims 2-4, 6-11, 13, and 29 are directly or indirectly dependent on the objected claims 1 and 24.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 1-13 and 15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1, line 9: “*detecting* a weight-set” wherein “a weight-set” is another weight-set being differ from “a weight-set” to be *detected* by the method recited in line 1, or the same “a weight-set” that the method to detect recited in line 1? It does not clearly indicate the relation of “a weight-set” of detecting to “a weight-set” the method to detect.

Claim 11, line 2: “the selected weight-set” lacks antecedent basis.

Claim 15, lines 4-8 recites steps/actions, which cannot be included by a processor. Claim 15 is an apparatus claim that a processor includes the elements constructed/composed in the processor, not the steps/actions performed by the processor.

Claims 2-10 and 12-13 are dependent on the rejected claim 1.

***Allowable Subject Matter***

4. Claims 14 and 16-23 are allowed.
5. Claims 1-13 and 15 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.

6. Claims 24-29 would be allowable if rewritten to overcome the objection(s) set forth in this Office action.

7. The following is a statement of reasons for the indication of allowable subject matter:

The prior art of record fails to teach or suggest, alone or in a combination, among other things, at least a processor or a CDMA receiver and its method to detect a weight-set to process a spread spectrum channel as a whole, the combination of elements and features, which includes a metric calculation element to determine a measure probability for a weight-set and a transition probability for the weight-set, and to calculate a weight-set metric based on the measurement probability, the transition probability and a prior weight-set metric; and a weight detection element to select a weight-set from a group of predetermined weight-sets based on the weight-set metric. The measure probability is based on measurement of a current time-slot, the transition probability is based at least on a change from a previously requested weight-set.

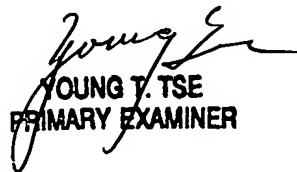
8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edith M. Chang whose telephone number is 571-272-3041. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayanti Patel can be reached on 571-272-2988. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Edith Chang  
May 6, 2005

  
YOUNG T. TSE  
PRIMARY EXAMINER